

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
DOCKET NO: 1:18-CV-00175-MOC-WCM**

RONALD WAYNE SPANN,

Plaintiff,

vs.

FRANK PERRY, et al.,

Defendants.

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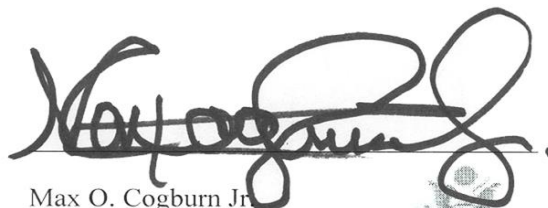
ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Clarification (#37), by which the pro se Plaintiff seeks clarification of this Court's Order dated October 18, 2019 (#36). Having considered the matter, the Court enters the following order.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Clarification (#37) is **GRANTED**, and the Court's prior Order is clarified as follows: the Court adopted the Memorandum and Recommendation of the magistrate judge, and thus granted the motion to "dismiss Plaintiff's official capacity claims against Defendant and Plaintiff's individual capacity claim against Defendant for medical malpractice." (#36 at 2). The Court denied the motion to dismiss Plaintiff's claim alleging that Defendant acted with deliberate indifference to his medical needs, in violation of 42 U.S.C. § 1983. (#34 at 14–15).

Signed: November 26 2019



Max O. Cogburn Jr.
United States District Judge